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Preparatory Commission for the International Criminal Court

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# Report of the Preparatory Commission for the International Criminal Court

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## Introduction

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, continued to carry out its mandate, in accordance with resolution F of the Conference and General Assembly resolution 56/85 of 12 December 2001, to discuss ways to enhance the effectiveness and acceptance of the Court.

2. In accordance with General Assembly resolution 56/85, the Preparatory Commission met at United Nations Headquarters for its tenth session from 1 to 12 July 2002.

3. The Bureau, as elected by the Preparatory Commission at its 1st and 2nd meetings, on 16 and 22 February 1999, and at its 34th and 37th meetings, on 8 and 19 April 2002, continued to act as the Bureau of the Commission at its tenth session.

4. At its fifth session, from 12 to 30 June 2000, the Preparatory Commission had adopted a report on the work of the Commission at its first to fifth sessions,[1] to which was annexed the finalized draft texts of the Rules of Procedure and Evidence (PCNICC/2000/1/Add.1) and of the Elements of Crimes (PCNICC/2000/1/Add.2).

5. At its eighth session, at the 33rd meeting, on 5 October 2001, the Preparatory Commission had adopted a report on the work of the Commission at its sixth, seventh and eighth sessions containing, in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties.[2] That report also contained as annexes two draft resolutions of the Assembly of States Parties, one on the establishment of the Committee on Budget and Finance, and the other on relevant criteria for voluntary contributions to the International Criminal Court.

6. At its ninth session, at the 37th meeting, on 19 April 2002, the Preparatory Commission had adopted a report on the work of the Commission at its ninth session, containing also in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the Basic Principles Governing a Headquarters Agreement and the Financial Rules.[3] That report also contained two draft resolutions of the Assembly of States Parties, one on the Secretariat of the Assembly of States Parties, and the other on crediting contributions to the United Nations Trust Fund to support the Establishment of the International Criminal Court.

7. At its tenth session, at the 42nd meeting, on 12 July 2002, the Preparatory Commission recalled that at its 36th meeting, on 15 April 2002, it had taken note of the proceedings of an intersessional meeting of experts held at The Hague in 2002 and that it had recommended that the report[4] of the intersessional meeting should be transmitted to the Assembly of States Parties for onward transmission to the International Criminal Court,[5] and decided to annex it to the present report (see appendix).

8. At the same meeting, the Preparatory Commission adopted the report on the work of its tenth session (PCNICC/2002/2 and Add.1-3), containing:

- The draft budget for the first financial period of the Court;

- Texts of (a) the draft resolution of the Assembly of States Parties relating to scales of assessments for the apportionment of the expenses of the International Criminal Court; (b) the draft resolution of the Assembly of States Parties relating to the Working Capital Fund for the first financial period; (c) the draft decision of the Assembly of States Parties relating to the provision of funds for the Court; (d) the draft decision of the Assembly of States Parties relating to the participation of the International Criminal Court in the United Nations Joint Staff Pension Fund; (e) the draft resolution of the Assembly of States Parties relating to budget appropriations for the first financial period and financing of appropriations for the first financial period; (f) the draft decision of the Assembly of States Parties concerning interim arrangements for the exercise of authority pending the assumption of office by the Registrar; and (g) the draft resolution of the Assembly of States Parties concerning selection of the staff of the International Criminal Court. These documents were adopted by the Working Group on a Draft Budget for the First Financial Period of the Court;

- Texts of (a) the draft resolution of the Assembly of States Parties on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court; (b) the draft resolution regarding the permanent secretariat of the Assembly of States Parties; (c) the draft recommendation of the Assembly of the States Parties concerning seating arrangements for States Parties; (d) the draft resolution of the Assembly of States Parties on the procedure for the nomination and election of members of the Committee on Budget and Finance; and (e) the provisional agenda for the first meeting of the Assembly of States Parties, to be held at United Nations Headquarters from 3 to 10 September 2002. These documents were adopted by the Working Group on the Assembly of States Parties — Preparatory Documents;

- Texts of (a) the draft resolution of the Assembly of States Parties on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims; and (b) the draft resolution of the Assembly of States Parties on the procedure for the nominations and election of members of the Board of Directors of the Trust Fund for the benefit of victims. These documents were adopted by the Working Group on Financial Issues — Victims Trust Fund;

- Conditions of service of non-full-time judges of the International Criminal Court (annexed to the draft budget), which were adopted by the Working Group on Financial Issues — Remuneration of Judges, the Prosecutor and the Registrar;

- The text of a draft resolution of the Assembly of States Parties on the continuity of work in respect of the crime of aggression. This document was adopted by the Working Group on the Crime of Aggression.

9. The Preparatory Commission also agreed to include in the present report the discussion paper on the definition and elements of the crime of aggression (PCNICC/2002/WGCA/RT.1/Rev.2) prepared by the Coordinator of the Working Group on the Crime of Aggression, together with a list of all proposals and related

documents on the crime of aggression issued by the Preparatory Commission as well as the historical review of developments relating to aggression prepared by the Secretariat (PCNICC/2002/WGCA/L.1 and Add.1) for transmission to the Assembly of States Parties.[6]

10. The Preparatory Commission agreed to a technical revision of article 33, paragraph 1, and article 35, paragraphs 1, 2 and 4, of the Draft Agreement on the Privileges and Immunities of the Court (PCNICC/2001/___/Add.3), as follows:

**"Article 33**
**"Signature, ratification, acceptance, approval or accession**

"1. The present Agreement shall be open for signature by all States, from ___ September 2002 until 30 June 2004 at United Nations Headquarters in New York."

**"Article 35**
**"Amendments**

"1. Any State Party may, by written communication addressed to the Secretariat of the Assembly, propose amendments to the present Agreement. The Secretariat shall circulate such communication to all States Parties and the Bureau of the Assembly with a request that States Parties notify the Secretariat whether they favour a Review Conference of States Parties to discuss the proposal.

"2. If, within three months from the date of circulation by the Secretariat of the Assembly, a majority of States Parties notify the Secretariat that they favour a Review Conference, the Secretariat shall inform the Bureau of the Assembly with a view to convening such a Conference in connection with the next regular or special session of the Assembly.

"...

"4. The Bureau of the Assembly shall immediately notify the Secretary-General of any amendment that has been adopted by the States Parties at a Review Conference. The Secretary-General shall circulate to all States Parties and signatory States any amendment adopted at a Review Conference."

11. With regard to the composition of the Bureau at the first meeting of the Assembly of States Parties, the Preparatory Commission took note of the following understanding:

– That the initial composition of the Bureau would be as follows:

- African Group, five seats
- Asian Group, three seats
- Eastern European Group, three seats
- Group of Latin American and Caribbean States, four seats
- Western European and Other States Group, six seats;

- That broad support existed for a suggestion that the Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, be elected President of the Assembly;

- That agreement on the distribution of the "core functions" within the Bureau would be based on the idea of bringing the number of core functions within the Bureau into line with the number of regional groups. As such, as a first step, the core functions within the Bureau, other than the President, would comprise the two Vice-Presidents explicitly provided for in the Statute, and a Bureau member performing the functions of Rapporteur which is not mentioned in the Statute, but which would be generally welcome. In the Bureau's initial composition, these three core functions would be assigned to the Western European and Other States Group, the African Group and the Group of Latin American and Caribbean States. The attribution of any of these core functions to any of the regional groups still needs to be determined;

- In addition, it was suggested that the Chairman of the Credentials Committee, who will be appointed by the Assembly on the proposal of the President, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, should also be considered a core function. As such, it was suggested that that post would be held by a member from the regional group that has not yet been attributed a core function. Such a proposal would grant all regional groups access to the core functions of the Assembly, which would be in the interests of fairness and of good communication between the Bureau and the regional groups;

- Finally, the Group took note of the fact that there existed a widely held expectation that the principle of fair rotation of core Bureau functions between regional groups should be respected in the future.

12. At its 38th and 42nd meetings, on 1 and 12 July 2002, respectively, the Preparatory Commission took note of the oral report of Silvia Fernández de Gurmendi (Argentina), Chair of the Bureau's subcommittee acting as an interlocutory with the host country, on the progress made by the advance team of experts working to ensure the early and effective establishment of the Court and on review meetings, which had included members of the subcommittee, representatives of the host country and the coordinator of the advance team.

13. At the 42nd meeting, on 12 July 2002, the Preparatory Commission also took note of the oral report of Patricio Ruedas (Spain), focal point on the creation of a position of a Director of Common Services to be appointed by the Assembly of States Parties, ...at a job description for the post had been prepared for advertisement.

14. Concerning an international criminal bar, the Preparatory Commission took note of the holding in Montreal, from 13 to 15 June 2002, of a conference on an international criminal bar for the International Criminal Court, and of its conclusions. The Commission welcomed this development and encouraged the process of creating an independent representative body of counsel and legal associations. The Commission recommends that the Assembly of States Parties await any further developments on this issue, including the finalization of the constitution of this body, before taking further steps in accordance with rule 20(3) of

the Rules of Procedure and Evidence, and to this end to include this item on its agenda at the appropriate time.

15. To facilitate the tasks of the Preparatory Commission, the Chairman, in consultation, with the Bureau, had designated the following as coordinators of the working groups:

(a) Saeid Mirzaee-Yengejeh (Islamic Republic of Iran), Coordinator for the Working Group on the Assembly of States Parties — Preparatory Documents;

(b) Valentin Zellweger (Switzerland), Coordinator for the Working Group on a Budget for the First Financial Period;

(c) Gaile Ramoutar (Trinidad and Tobago), Coordinator for the Working Group on the Victims Trust Fund;

(d) John Holmes (Canada), Coordinator for the Working Group on the Remuneration of Judges, the Prosecutor and the Registrar;

(e) Silvia Fernández de Gurmendi (Argentina), Coordinator for the Working Group on the Crime of Aggression.

16. In addition, the Chairman also appointed Irene Gartner (Austria) as focal point for consultation on outstanding technical issues relating to the Draft Agreement on the Privileges and Immunities of the Court; Patricio Ruedas (Spain) as focal point on the creation of a position of Director of Common Services to be appointed by the Assembly of States Parties; and Hans Bevers (Netherlands) as focal point on issues related to an international criminal bar.

17. Also at its tenth session, at the 41st meeting, on 8 July 2002, the Preparatory Commission decided to hold the first meeting of the Assembly of States Parties from 3 to 10 September 2002.

18. The Preparatory Commission noted with satisfaction that, during its tenth session, a total of 24 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 8 December 1998, had been established to facilitate the participation of the least developed countries in the work of the Commission. Those delegates had been provided with airline tickets and daily subsistence allowance. At the 42nd meeting, on 12 July 2002, the Commission took note of the offer made by the International Institute for Human Rights Law, of De Paul University (United States of America), to cover the travel expenses of one delegate from each least developed country interested in attending the first meeting of the Assembly of States Parties in September 2002. The Institute had previously also assisted in the participation of least developed countries at sessions of the Commission.

19. The list of documents relating to the texts referred to in paragraph 8 is contained in part II below (see PCNICC/2002/2/Add.2) and in annex XV to the present report.

# Part I
# Draft budget for the first financial period of the Court

[*See PCNICC/2002/2/Add.1*]

# Part II
# Proposals for a provision on the crime of aggression

[*See PCNICC/2002/2/Add.2*]

*Notes*

[1] PCNICC/2000/1 and Add.1 and 2. The first to fifth sessions of the Preparatory Commission were held from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999 and from 13 to 31 March and 12 to 30 June 2000.

[2] PCNICC/2001/1 and Add.1-4. The sixth to eighth sessions of the Preparatory Commission were held from 27 November to 8 December 2000 and from 26 February to 9 March and 24 September to 5 October 2001.

[3] PCNICC/2002/1 and Add.1 and 2. The ninth session of the Preparatory Commission was held from 8 to 19 April 2002.

[4] PCNICC/2002/INF.2.

[5] PCNICC/2002/1, para. 10.

[6] See PCNICC/2002/2/Add.2.

# Annex I

## Provisional agenda for the first meeting of the Assembly of States Parties, to be held at United Nations Headquarters from 3 to 10 September 2002

[*See PCNICC/2002/2/Add.3*]

# Annex II

## Draft recommendation of the Assembly of States Parties concerning seating arrangements for States Parties

The Assembly of States Parties recommends that the President of the Assembly of States Parties draw lots for the purpose of choosing the State Party to occupy the first desk on the Assembly floor from which the alphabetical seating order will begin. After a given State Party's name is drawn, the delegation of that State Party will sit at the first desk to the right of the President and the other States Parties will follow in English alphabetical order. For the purposes of the first meeting of the Assembly, the Secretary-General of the United Nations will draw the lots.

# Annex III

## Draft resolution of the Assembly of States Parties relating to budget appropriations for the first financial period and financing of appropriations for the first financial period

**A**

**Budget appropriations for the first financial period**

*The Assembly of States Parties*

1. *Resolves* that, as an exception to regulation 2.1 of the Financial Regulations of the Court, the first financial period shall extend from 1 September 2002 to 31 December 2003;

2. *Hereby approves* appropriations totalling 30,893,500 euros for the following purposes:

| *Section* | *Euros* |
|---|---|
| 1. The Presidency, the Divisions and the Chambers | 2 718 400 |
| 2. The Prosecutor | 3 961 200 |
| 3. The Registry | 2 901 900 |
| 4. Common Services Division | 13 407 300 |
| 5. Unforeseen and extraordinary expenses | 1 052 000 |
| 6. Meetings of the Assembly of States Parties, of the Bureau, of the Committee on Budget and Finance, the Inaugural Meeting and the Board of Directors of the Victims Trust Fund | 6 852 700 |
| **Total, expenditure sections** | **30 893 500** |

**B**

**Financing of appropriations for the first financial period**

*The Assembly of States Parties*

*Resolves* that for the first financial period,

1. Budget appropriations consisting of 30,893,500 euros, approved for the first financial period by the Assembly under paragraph 1 of resolution A above, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations of the Court, as follows:

(a) 7,723,375 euros, being one quarter of the assessment on States, to be assessed in accordance with its resolution ____ of __ September 2002 on the scale of assessments for the year 2002;

(b) 23,170,125 euros, being three quarters of the assessment on States, to be assessed in accordance with its resolution ____ of __ September 2002 on the scale of assessments for the year 2003;

2. In accordance with financial regulation 5.6, the assessment for the year 2002 is due thirty days after receipt of the assessment letter, and the assessment for 2003 is due on 1 January 2003. States may elect to pay their entire assessed contribution for 2003 or a portion thereof earlier than 1 January 2003;

3. In accordance with the provisions of resolution ____ of __ September 2002, States Parties may set off against their assessment their contribution to the Trust Fund;

4. Notwithstanding the provisions of financial regulation 4.8, and as a temporary measure, the Registrar is authorized to make transfers between appropriation sections 1 to 4 and section 6 of the budget up to an amount not exceeding 10 per cent of the amount appropriated for the section from which the transfer is made, in consultation with the Prosecutor, as appropriate. All such transfers shall be reported to the next session of the Assembly of States Parties, through the Committee on Budget and Finance.

# Annex IV

## Draft resolution of the Assembly of States Parties relating to the Working Capital Fund for the first financial period

*The Assembly of States Parties*

*Resolves* that:

(a) The Working Capital Fund shall be established for the first financial period of the Court in the amount of 1,915,700 euros;

(b) States shall make advances to the Working Capital Fund, in accordance with the scale adopted by the Assembly of States Parties in its resolution ____ of __ September 2002 on the scale of assessments for the apportionment of the expenses of the International Criminal Court, and as an exception to regulation 6.2 of the Financial Regulations of the Court, as applicable to the year 2002;

(c) In accordance with financial regulation 5.8, payments made by a State Party shall be credited first to the Working Capital Fund and then to the contributions due, in the order in which the State Party was assessed.

# Annex V

## Draft resolution of the Assembly of States Parties relating to scales of assessments for the apportionment of the expenses of the International Criminal Court

*The Assembly of States Parties*

*Decides* that, for the first financial period of the International Criminal Court, it will adopt the respective scales of assessments of the United Nations applicable for the period 2002-2003, with adjustments to take into account the difference in membership between the United Nations and the Assembly of States Parties to the Rome Statute, in accordance with the principles upon which the scale of the United Nations is based.

# Annex VI

## Draft decision of the Assembly of States Parties relating to the provision of funds for the Court

*The Assembly of States Parties*

*Recalling* paragraph 4 of the document entitled "Establishment of the International Criminal Court: note by the Secretariat concerning the responsibilities entrusted to the Secretary-General under draft resolution A/C.6/56/L.21", in particular, the reference to assistance in determining the scale of assessments of the first-year budget of the Court,

*Recognizing* the necessity to transmit to States their assessments as soon as possible following the adoption of the budget by the Assembly of States Parties,

*Requests* the Secretary-General of the United Nations, as an exception to regulation 5.5 of the Financial Regulations of the Court, to inform States Parties of their commitments in respect of their assessed contributions for the first financial period of the Court and advances to the Working Capital Fund.

# Annex VII

## Draft decision of the Assembly of States Parties relating to interim arrangements for the exercise of authority pending the assumption of office by the Registrar

*The Assembly of States Parties,*

*Bearing in mind* that the Registrar of the Court will not assume his or her functions and responsibilities until mid-2003,

*Decides* that the Director of Common Services shall, on an interim basis, perform the functions and responsibilities of the Registrar as set out in the Financial Regulations and Rules, except for the authority to make transfers between appropriation sections as set out in the applicable resolution, and those derived from articles 44, paragraph 1, 44, paragraph 2, and 112, paragraph 5, of the Statute, until such time as the Registrar assumes his or her functions and responsibilities.

# Annex VIII

## Draft decision of the Assembly of States Parties relating to the participation of the International Criminal Court in the United Nations Joint Staff Pension Fund

*The Assembly of States Parties,*

*Recalling* paragraphs 25 and 39 of the outcome of the intersessional meeting of experts held at The Hague from 11 to 15 March 2002[a] and the discussions in the Working Group on the first-year budget during the ninth session of the Preparatory Commission for the International Criminal Court concerning the participation of the International Criminal Court in the United Nations Joint Staff Pension Fund,

*Noting* that article 3, paragraph (b), of the Regulations of the United Nations Joint Staff Pension Fund provides that membership in the Fund shall be open to the specialized agencies referred to in Article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies,

*Bearing in mind* article 4 of the Rome Statute of the International Criminal Court,

*Also bearing in mind* that admission to membership of the United Nations Joint Staff Pension Fund is by decision of the General Assembly of the United Nations and requires the acceptance by the organization concerned of the Regulations of the Fund and the conclusion of an agreement with the United Nations Joint Staff Pension Board (the supervisory organ for the Fund) as to the conditions which shall govern its admission,

*Recognizing* the importance of enabling the Court to recruit and retain the best-qualified personnel,

1. *Recommends* that the International Criminal Court participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and accept, as appropriate, the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of such regulations;

2. *Requests* the Registrar[b] to take the necessary steps in order for the International Criminal Court to apply for membership in the United Nations Joint Staff Pension Fund and to conclude with the United Nations Joint Staff Pension Board an agreement as referred to in article 3, paragraph (c), of the Regulations of the Fund.

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[a] PCNICC/2002/INF/2.

[b] If necessary, prior to the Registrar taking up post, the Director of Common Services.

# Annex IX

## Draft resolution of the Assembly of States Parties relating to selection of the staff of the International Criminal Court

*The Assembly of States Parties*,

*Bearing in mind* articles 44, paragraph 2, and 36, paragraph 8, of the Rome Statute of the International Criminal Court, whereby in the employment of the staff of the International Criminal Court the highest standards of efficiency, competency and integrity shall be ensured and account shall be taken of the need for the representation of the principal legal systems of the world, equitable geographic representation and a fair representation of men and women,

*Bearing in mind also* article 50 of the Statute, according to which the official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish and the working languages shall be English and French,

*Noting* that the Staff Regulations provided for in article 44, paragraph 3, of the Statute, embodying these principles cannot be enacted by the Assembly of States Parties before the second half of 2003,

*Desiring* to set interim guidelines for the application of these principles during the transitional period of the establishment of the Court,

*Decides* that the guidelines contained in the annex to the present resolution shall be applied in the selection and appointment of the staff of the Court until the Staff Regulations are adopted in accordance with the Statute.

**Annex to the resolution**

1. **General principle**. The requirements of article 36, paragraph 8, article 44, paragraph 2, and article 50, paragraphs 1 and 2, of the Statute shall apply to the recruitment of the entire staff of the Court, without any distinction as to category. However, with regard to geographical representation, the system described in paragraph 4 below shall apply only to staff in the Professional category (level P-1 and above).

2. **Notifications**. All vacancies to be filled, and requirements to be met by candidates to such vacancies, shall be notified to all States Parties and to those States which, having engaged in the process of ratification of or accession to the Statute, have expressed an interest in receiving such notifications. All such vacancies shall also be posted on the web site of the Court.

Where appropriate in order to achieve a better balance in gender or geographical representation, such notifications may include preferential consideration of candidates of given nationalities or gender.

3. **Competency**. As a general rule, the competency of candidates shall be determined through an initial evaluation of their background and experience. This should, wherever possible and appropriate, include examples of the candidate's capacity of analysis and drafting ability in one or both of the working languages of the Court. This evaluation may, where appropriate, be of a competitive nature. The second stage of the evaluation shall consist of an oral interview in one or both of the working languages.

In the case of candidates from similar institutions, the initial evaluation may consist of an assessment of the candidate's experience and record in the releasing organization. This would be followed by an oral interview in one or both of the working languages.

In both cases, knowledge of at least another official language shall be considered as an additional asset.

4. **Geographical representation**. For established (i.e., budgeted) posts, and in the case of appointments of at least 12 months' duration, the selection of staff in the Professional category shall be guided in principle by a system of desirable ranges based on that of the United Nations.[a] Nationals from States Parties and from those States having engaged in the process of ratification of or accession to the Statute should have adequate representation on the staff of the Court; however, applications from nationals from non-States Parties may also be considered.

5. **Selection Committee**. The Director of Common Services shall establish a Selection Committee of not more than three individuals to provide advice on the selection of staff in accordance with these guidelines. The officer in charge of human resources shall be the convenor of the Committee.

[a] See A/56/512 and General Assembly resolution 55/258.

# Annex X

## Draft resolution of the Assembly of States Parties relating to the permanent secretariat of the Assembly of States Parties

*The Assembly of States Parties,*

*Bearing in mind* article 112 of the Rome Statute of the International Criminal Court,

*Taking note* of rule 37 and other relevant provisions of its Rules of Procedure in which specific functions are assigned to its secretariat,

*Noting* that the necessary arrangements are being made to ensure the provision of secretariat services to the Assembly on a provisional basis,

*Desiring* to ensure that adequate secretariat services are provided to the Assembly on a permanent basis upon the conclusion of a provisional period,

1. *Requests* the Bureau, with the required assistance, to study the question of the permanent secretariat of the Assembly and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, to the Assembly so that it may take a decision thereon at its regular session in the second half of 2003;

2. *Also requests* the Bureau to examine in that regard the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat in an efficient and expeditious manner, in consultation with the Secretariat of the United Nations.

# Annex XI

## Draft resolution of the Assembly of States Parties relating to the procedure for the nomination and election of members of the Committee on Budget and Finance

*The Assembly of States Parties,*

*Bearing in mind* its draft resolution establishing the Committee on Budget and Finance,

*Mindful* of the Rules of Procedure of the Assembly of States Parties,

*Approves* the following procedure for the election of members of the Committee on Budget and Finance:

**A**
**Nomination of candidates**

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of members of the Committee on Budget and Finance. The invitations will include the requirement that the candidates be experts of recognized standing and experience in financial matters at the international level.

2. States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.

3. Nominations submitted before or after the nomination period shall not be considered.

4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.

5. States Parties to the Statute shall communicate nominations for the election of the members of the Committee on Budget and Finance through the diplomatic channel to the Secretariat of the Assembly of States Parties.

6. Each nomination shall specify how the candidate fulfils the requirements of paragraph 2 of the annex to the draft resolution establishing the Committee on Budget and Finance.

7. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

**B**
**Distribution of seats**

8. Bearing in mind the requirements of paragraph 2 of the annex to the draft resolution establishing the Committee on Budget and Finance, the distribution of seats for the first election is as follows:

– African States, two seats;

– Asian States, two seats;

– Eastern European States, two seats;

– Group of Latin American and Caribbean States, two seats;

– Western European and Other States, four seats.

**C**
**Election of members of the Committee on Budget and Finance**

9. Every effort shall be made to elect the members of the Committee by consensus, on the basis of a recommendation by the Bureau. In making its recommendation, the Bureau shall consult the regional groups. In the absence of agreement within the concerned regional group, the Bureau shall abstain from making a recommendation regarding that group.

10. In the absence of a consensus, the election of members of the Committee on Budget and Finance shall be a matter of substance, and subject to the requirements of article 112, paragraph 7 (a), of the Statute.

11. The election shall be by secret ballot. The requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

12. The persons elected shall be those candidates from each group who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

13. For the purpose of the first election, the President of the Assembly of States Parties shall draw lots to determine, pursuant to paragraph 2 of the annex to the draft resolution on the establishment of the Committee on Budget and Finance, the cadence of term of office for the members elected.

14. The present procedure is without prejudice to the overall composition of the Committee on Budget and Finance, the procedures for future elections or the future distribution of seats.

15. The State Party which submitted the nomination of a member of the Committee on Budget and Finance shall defray the expenses of that member while in performance of Committee duties.

# Annex XII

## Draft resolution of the Assembly of States Parties relating to the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court

*The Assembly of States Parties,*

*Bearing in mind* the provisions of the Rome Statute of the International Criminal Court, in particular articles 36, 37, 42 and 43,

*Mindful* of the Rules of Procedure of the Assembly of States Parties,

*Approves* the following procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court:

### A
### Nomination of candidates for judges

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of judges of the International Criminal Court.

2. The invitations for nominations of judges will include the text of paragraphs 3 and 8 of article 36 of the Statute and the resolution of the Assembly of States Parties on the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court.

3. States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.

4. Nominations submitted before or after the nomination period shall not be considered.

5. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.

6. States Parties to the Statute shall communicate nominations for the election of the judges of the International Criminal Court through the diplomatic channel to the Secretariat of the Assembly of States Parties.

7. Every nomination should be accompanied by a statement:

(a) Specifying in the necessary detail how the candidate fulfils each of the requirements in subparagraphs (a), (b) and (c) of paragraph 3 of article 36 of the Statute, in accordance with subparagraph 4 (a) of article 36 of the Statute;

(b) Indicating whether the candidate is being nominated for inclusion in list A or list B for the purposes of paragraph 5 of article 36 of the Statute;

(c) Containing information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute;

(d) Indicating whether the candidate has any expertise under paragraph 8 (b) of article 36 of the Statute;

(e) Indicating under which nationality the candidate is being nominated, for the purposes of paragraph 7 of article 36 of the Statute, where a candidate is a national of two or more States.

8. States that have started the process of ratification, accession or acceptance of the Statute may nominate candidates for the elections of judges to the International Criminal Court. Such nominations shall remain provisional and shall not be included in the list of candidates unless the State concerned has deposited its instrument of ratification, accession or acceptance with the Secretary-General of the United Nations before the end of the nomination period and provided that that State is a party to the Statute in accordance with paragraph 2 of article 126 of the Statute on the date of the election.

9. The Secretariat of the Assembly of States Parties shall place the nominations of candidates for judges, the accompanying statements referred to in article 36 of the Statute and other supporting documentation on the Internet web site of the International Criminal Court in any of the official languages of the Court, as soon as possible after receiving them.

10. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

11. For the purposes of the first election of the judges of the International Criminal Court, the nominations shall open, by a decision of the Bureau, during the first meeting of the Assembly of States Parties and shall close on 30 November 2002.

12. For the purposes of the first election of judges of the International Criminal Court, the President of the Assembly of States Parties shall inform all States Parties through diplomatic channels and through specific information on the web site of the International Criminal Court, if on 1 November 2002:

(a) There are less than 13 candidates appearing on list A, or less than 9 candidates appearing on list B; or

(b) The number of candidates from a regional group is less than one fourth the number of States Parties in that group, with a minimum of 3 candidates from each regional group; or

(c) If the number of candidates from one gender is less than one fourth the total number of candidates, with a minimum of 9 candidates from each gender.

13. For the purposes of the first election of judges of the International Criminal Court, the President of the Assembly of States Parties shall extend the nomination period once until 8 December 2002, if at the end of the nomination period:

(a) There are less than 9 candidates appearing on list A, or less than 5 candidates appearing on list B; or

(b) The number of candidates presented by States Parties members of one regional group is less than 3; or

(c) There are less than 9 candidates from each gender.

**B**[a]

**Election of judges**

14. The Bureau of the Assembly of States Parties shall fix the date of the election.

15. The Secretariat of the Assembly of States Parties shall prepare, in accordance with paragraph 5 of article 36 of the Statute, two lists of candidates in English alphabetical order.

16. The election of judges shall be a matter of substance, and subject to the requirements of paragraph 7 (a) of article 112 of the Statute.

17. The persons elected to the Court shall be those candidates who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

18. In the event of a tie for a remaining seat, there shall be a restricted ballot limited to those candidates who have obtained an equal number of votes.

19. When two or more candidates of the same nationality obtain the required majority, the candidate who receives the higher number of votes shall be considered elected.

20. For the purpose of the first election, the President of the Assembly of States Parties shall draw lots, in accordance with paragraph 9 (b) of article 36 of the Statute.

**C**

**Judicial vacancies**

21. In the event of a judicial vacancy, the same procedures for the election of judges shall apply mutatis mutandis.

22. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel invitations for nominations within one month of the occurrence of a judicial vacancy.

**D**

**Nomination of candidates for the Prosecutor**

23. The procedures for the nomination of candidates for judges shall apply mutatis mutandis to the nomination of the Prosecutor.

24. Nominations for the post of the Prosecutor should preferably be made with the support of multiple States Parties.

25. Each nomination should be accompanied by a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

**E**

**Election of the Prosecutor**

26. The Bureau of the Assembly of States Parties shall fix the date of the election.

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[a] The procedure for election of judges, including for the first election, is still pending.

27. The Secretariat of the Assembly of States Parties shall prepare a list of candidates in English alphabetical order.

28. Every effort shall be made to elect the Prosecutor by consensus.

29. In the absence of consensus, the Prosecutor shall be elected, in accordance with paragraph 4 of article 42 of the Statute, by secret ballot by an absolute majority of the members of the Assembly of States Parties.

30. In the interest of a timely conclusion of the election, if after three ballots no candidate has obtained the required majority, the balloting shall be suspended to give an opportunity for any withdrawal of candidatures. Before such suspension, the President of the Assembly of States Parties will announce when balloting shall resume. Upon resumption of balloting, if no candidate obtains in the first ballot the majority required, further ballots shall be taken, which shall be restricted to the candidates obtaining the two largest number of votes.

**F**
**Nomination of the Deputy Prosecutors**

31. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled, in accordance with paragraph 4 of article 42 of the Statute.

32. For each nomination, the Prosecutor should include a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

33. In proposing the list of candidates, the Prosecutor should bear in mind, in accordance with paragraph 2 of article 42, that the Prosecutor and the Deputy Prosecutors shall all be of different nationalities. A candidate who could be regarded as a national of more than one State shall be deemed to be a national of the State in which that candidate ordinarily exercises civil and political rights.

34. The Secretariat of the Assembly of States Parties shall place the nominations of candidates for the position of Deputy Prosecutor, the accompanying statements of qualification and other supporting documentation on the Internet web site of the International Criminal Court in any of the official languages of the Court as soon as possible after receiving them.

35. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

**G**
**Election of the Deputy Prosecutors**

36. The procedures for the election of the Prosecutor in section E shall apply mutatis mutandis to the election of any Deputy Prosecutor.

37. In case of an election for more than one position for the post of Deputy Prosecutor:

(a) The persons elected to the post of Deputy Prosecutor shall be those candidates who obtain the highest number of votes and an absolute majority of the members of the Assembly of States Parties;

(b) If the number of eligible candidates obtaining the required majority for the elections exceeds the number of positions for Deputy Prosecutor so allocated thereunder, the candidates obtaining the highest number of votes to fill the number of seats so allocated shall be considered elected.

# Annex XIII

## Draft resolution of the Assembly of States Parties relating to the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims

*The Assembly of States Parties,*

*Bearing in mind* the provisions of article 79, paragraph 1, of the Rome Statute,

1. *Decides* to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims;

2. *Decides also* that the Trust Fund shall be funded by:

(a) Voluntary contributions from Governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties;

(b) Money and other property collected through fines or forfeiture transferred to the Trust Fund if ordered by the Court pursuant to article 79, paragraph 2, of the Statute;

(c) Resources collected through awards for reparations if ordered by the Court pursuant to rule 98 of the Rules of Procedure and Evidence;

(d) Such resources, other than assessed contributions, as the Assembly of States Parties may decide to allocate to the Trust Fund;

3. *Decides further* to request the Board of Directors established pursuant to the annex to the present resolution to develop suggestions for further criteria for the management of the Trust Fund for consideration and adoption by the Assembly of States Parties as soon as possible;

4. *Adopts* the annex to the present resolution relating to the management of the Trust Fund.

**Annex to the resolution**

1. The Assembly of States Parties hereby establishes a Board of Directors of the Trust Fund for the benefit of victims provided for in article 79 of the Rome Statute.

2. The Board shall have five members who shall be elected for a term of three years and may be re-elected once. They shall serve in an individual capacity on a pro bono basis.

3. The Assembly shall elect the members of the Board, all of whom shall be of a different nationality, on the basis of equitable geographical distribution and taking into account the need to ensure equitable gender distribution and equitable representation of the principal legal systems of the world. The members of the Board shall be of high moral character, impartiality and integrity and shall have competence in the assistance to victims of serious crimes.

4. The Board shall meet at the seat of the Court at least once a year.

5. The Registrar of the Court shall be responsible for providing such assistance as is necessary for the proper functioning of the Board in carrying out its tasks and shall also participate in meetings of the Board in an advisory capacity.

6. The Assembly of States Parties may, as and when the workload of the Trust Fund increases, consider, on the recommendation of the Board and after consulting with the Registrar as required, the creation of an expanded capacity, including the appointment of an Executive Director, either within or outside the Registry as appropriate, to provide further assistance with the proper and effective functioning of the Trust Fund. The Assembly of States Parties shall, as part of such consideration, after consulting with the Board and the Registrar, consider the payment of expenses of the Trust Fund from the voluntary contributions accruing to it.

7. The Board shall, in accordance with the provisions of the Rome Statute, the Rules of Procedure and Evidence, and the criteria to be determined by the Assembly of States Parties, establish and direct the activities and projects of the Trust Fund and the allocation of the property and money available to it, bearing in mind available resources and subject to the decisions taken by the Court. Before establishing and directing the activities and projects of the Trust Fund, the Board shall consult, as far as possible, victims and their families or their legal representatives and may consult any competent expert or organization.

8. Voluntary contributions from Governments, international organizations, individuals, corporations and other entities shall be submitted to the Board for approval, in accordance with the criteria laid down in paragraphs 9 and 10.

9. The Board shall refuse such voluntary contributions envisaged in paragraph 8 that are not consistent with the goals and activities of the Trust Fund.

10. The Board shall also refuse voluntary contributions whose allocation, as requested by the donor, would result in a manifestly inequitable distribution of available funds and property among the different groups of victims.

11. The Board shall report annually to the Assembly of States Parties on the activities and projects of the Trust Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused.

12. The Committee on Budget and Finance shall examine the budget of the Trust Fund annually and submit to the Assembly of States Parties a report and recommendations for the best possible financial management of the Trust Fund.

13. The Financial Regulations and Rules shall apply mutatis mutandis to the administration of the Trust Fund, except as otherwise provided in the present resolution.

# Annex XIV

## Draft resolution of the Assembly of States Parties relating to the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims

*The Assembly of States Parties,*

*Bearing in mind* its resolution establishing a Board of Directors of the Trust Fund for the benefit of victims,

*Mindful* of the Rules of Procedure of the Assembly of States Parties,

*Approves* the following procedure for the election of members of the Board of Directors:

### A
### Nomination of candidates

1. The Secretariat of the Assembly of States Parties shall circulate through diplomatic channels the invitations for nominations of members of the Board of Directors. The invitations shall specify that the candidates be of high moral character, impartiality and integrity and have competence in the assistance to victims of serious crimes.

2. States Parties shall nominate candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.

3. Nominations submitted before or after the nomination period shall not be considered.

4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.

5. States Parties to the Statute shall communicate nominations for the election of the members of the Board of Directors through diplomatic channels to the Secretariat of the Assembly of States Parties.

6. Each nomination shall specify how the candidate fulfils the requirements of paragraph 1 above.

7. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it to States Parties through diplomatic channels.

### B
### Distribution of seats

8. Bearing in mind the requirements of paragraph 3 of the annex to the resolution establishing the Board of Directors, the distribution of seats on the Board shall be as follows:

– African States, one seat;

– Asian States, one seat;

– Eastern European States, one seat;

– Group of Latin American and Caribbean States, one seat;

– Western European and Other States, one seat.

**C**
**Election of members of the Board of Directors**

9. The election of members of the Board of Directors shall be a matter of substance, and subject to the provisions of article 112, paragraph 7 (a), of the Statute.

10. Every effort shall be made to elect the members of the Board by consensus. In the absence of consensus, the election shall be by secret ballot. This requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled, or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

11. In the event of a tie for a remaining seat, there shall be a restricted ballot limited to those candidates who have obtained an equal number of votes.

12. The persons elected shall be the candidate from each group who obtains the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

# Annex XV

## List of documents relating to the draft budget for the first financial year of the Court, the remuneration of judges, the Victims Trust Fund and to the preparatory documents for the Assembly of States Parties*

[Original: Arabic/English/French/Spanish]

### General documents

*Eighth session of the Preparatory Commission (24 September-5 October 2001)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2001/L.2 | Road map leading to the early establishment of the International Criminal Court |
| PCNICC/2001/L.2/Corr.1 | Corrigendum |
| PCNICC/2001/L.3 | Proceedings of the Preparatory Commission at its eighth session (draft summary) |
| PCNICC/2001/L.3/Rev.1 | Proceedings of the Preparatory Commission at its eighth session |
| PCNICC/2001/L.3/Rev.1/Add.1 | Annex II — draft first-year budget |
| PCNICC/2001/DP.1 | Comments by Turkey with regard to the terrorist crimes |
| PCNICC/2001/DP.2 | Views of Estonia on the International Criminal Court |
| PCNICC/2001/INF/3 | Statement by the Minister for Foreign Affairs of the Kingdom of the Netherlands, Jozias J. van Aartsen, presented during the eighth session of the Preparatory Commission on 25 September 2001 |
| PCNICC/2001/INF/4 | List of delegations (eighth session) |

*Ninth session of the Preparatory Commission (8-19 April 2002)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/L.1 | Proceedings of the Preparatory Commission at its ninth session (8-19 April 2002) (draft summary) |
| PCNICC/2002/L.1/Rev.1 | Proceedings of the Preparatory Commission at its ninth session (8-19 April 2002) (summary) |
| PCNICC/2002/L.1/Rev.1/Add.1 | Annex II — Revised draft budget for the first financial period of the Court |

* See document PCNICC/2002/L.4/Rev.1, annex, for a list of general documents issued during the 10 sessions of the Preparatory Commission, as well as document PCNICC/2002/2/Add.2 for a list of documents on the crime of aggression.

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/L.1/Rev.1/Add.2 | Annex III — Conditions of service of judges of the International Criminal Court |
| PCNICC/2002/INF/1 | Conclusions of the second Consultation Meeting on the implications for States members of the Council of Europe of the ratification of the Rome Statute of the International Criminal Court, Strasbourg, France, 13 and 14 September 2001, and Declaration on the International Criminal Court, adopted by the Committee of Ministers of the Council of Europe on 10 October 2001: Information document submitted by Liechtenstein |
| PCNICC/2002/INF/2 | Note: Outcome of intersessional meeting of experts held at The Hague from 11 to 15 March 2002, circulated at the request of the Netherlands |
| PCNICC/2002/INF/3 | Information document submitted by Spain: Declaration by the Presidency on behalf of the European Union concerning the adoption of the Common Position on the International Criminal Court |
| PCNICC/2002/INF/4 | Statement by the Presidency of the European Union on behalf of the European Union: Information document submitted by Spain |
| PCNICC/2002/INF/5 | Statement by the Director-General, ICC Task Force, Ministry of Foreign Affairs of the Government of the Kingdom of the Netherlands, Mr. Edmond Wellenstein, on the revised draft budget for the first financial period of the International Criminal Court, presented during the ninth session of the Preparatory Commission: Information document submitted by the Netherlands |
| PCNICC/2002/INF/6 | List of delegations (ninth session) |

*Tenth session of the Preparatory Commission (1-12 July 2002)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/L.3 | Statement by the Preparatory Commission dated 3 July 2002, transmitted by the Chairman of the Preparatory Commission to the President of the Security Council with copies to the members of the Security Council and to the Secretary-General |
| PCNICC/2002/L.4 | Proceedings of the Preparatory Commission at its tenth session (1-12 July 2002) (draft summary) |
| PCNICC/2002/L.4/Rev.1 | Proceedings of the Preparatory Commission at its tenth session (1-12 July 2002) (summary) |
| PCNICC/2002/L.5 | Draft report of the Preparatory Commission for the International Criminal Court |
| PCNICC/2002/INF/8 | List of delegations |

## Working Group on a Draft Budget for the First Financial Year of the Court

*Eighth session of the Preparatory Commission (24 September-5 October 2001)*[a]

| *Symbol* | *Description* |
|---|---|
| PCNICC/2001/WGFYB/L.1 | Draft budget for the first financial year of the Court: prepared by the Secretariat |
| PCNICC/2001/WGFYB/L.1/Corr.1 | Corrigendum |
| PCNICC/2001/WGFYB/RT.1 | Part One — Proposed structure and administrative arrangements |
| PCNICC/2001/WGFYB/RT.1/Add.1 | Addendum — Priority guidelines for the preparation of a revised draft first-year budget of the International Criminal Court |

*Ninth session of the Preparatory Commission (8-19 April 2002)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFYB/L.1 | Revised draft budget for the first financial period of the Court, prepared by the Secretariat |
| PCNICC/2002/WGFYB/L.2 | Draft resolution of the Assembly of States Parties on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court |
| PCNICC/2002/WGFYB/DP.1 | Proposal submitted by France regarding the vacancy rate during the first financial period |
| PCNICC/2002/WGFYB/RT.1 | Proposal by the Coordinator — Internal audit |
| PCNICC/2002/WGFYB/RT.2 | Revised draft budget for the first financial period of the Court — Text of Part One proposed by the Coordinator |
| PCNICC/2002/WGFYB/RT.2/Corr.1 | Corrigendum |
| PCNICC/2002/WGFYB/RT.3 | Task list for the preparation of the discussion on a draft budget for the first financial period of the Court at the tenth session of the Preparatory Commission: Discussion paper proposed by the Coordinator |

[a] No documents were issued under this heading during the first to seventh sessions of the Preparatory Commission.

*Tenth session of the Preparatory Commission (1-12 July 2002)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFYB/L.3 | Revised draft budget for the first financial period of the Court — Text of Part Two: prepared by the Secretariat |
| PCNICC/2002/WGFYB/L.4 | Proposed texts of provisions on external audit, on a Working Capital Fund and on outsourcing of procurement for inclusion in a draft budget for the first financial period of the Court, as well as an annex on non-recurrent requirements for furniture and equipment — prepared by the Secretariat |
| PCNICC/2002/WGFYB/L.5 | Revised draft budget for the first financial period of the Court — Proposed changes to the text of Part One of the revised draft budget (PCNICC/2002/L.1/Rev.1/Add.1, sect. A) |
| PCNICC/2002/WGFYB/L.6 | Revised draft budget for the first financial period of the Court — Proposed changes to the text of Part Two of the revised draft budget (PCNICC/2002/WGFYB/L.3) |
| PCNICC/2002/WGFYB/L.6/Corr.1 | Corrigendum |
| PCNICC/2002/WGFYB/L.7 | Report of the Working Group |
| PCNICC/2002/WGFYB/DP.2 | Selection of the staff of the International Criminal Court — Proposal submitted by Argentina, Brazil, Chile, Colombia, Costa Rica, Paraguay, Spain and Venezuela: draft resolution |
| PCNICC/2002/WGFYB/DP.2/Rev.1 | Selection of the staff of the International Criminal Court — Proposal submitted by Argentina, Brazil, Chile, Colombia, Costa Rica, Paraguay, Spain and Venezuela: draft resolution |
| PCNICC/2002/WGFYB/RT.5 | Budget for the first financial period — Draft resolution to be adopted by the Assembly of States Parties: Proposal by the Coordinator (Scenario A — New York) |
| PCNICC/2002/WGFYB/RT.5/Rev.1 | Budget for the first financial period — Draft resolution to be adopted by the Assembly of States Parties: Proposal by the Coordinator |
| PCNICC/2002/WGFYB/RT.6 | Scale of assessments for the apportionment of the expenses of the International Criminal Court — Draft resolution to be adopted by the Assembly of States Parties |
| PCNICC/2002/WGFYB/RT.6/Rev.1 | Scale of assessments for the apportionment of the expenses of the International Criminal Court — Draft resolution to be adopted by the Assembly of States Parties |
| PCNICC/2002/WGFYB/RT.7 | Working Capital Fund for the first financial period — Draft resolution to be adopted by the Assembly of States Parties |
| PCNICC/2002/WGFYB/RT.7/Rev.1 | Working Capital Fund for the first financial period — Draft resolution to be adopted by the Assembly of States Parties |

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFYB/RT.8 | General Fund for the first financial period — Draft resolution to be adopted by the Assembly of States Parties |
| PCNICC/2002/WGFYB/RT.9 | Budget for the first financial period — Draft resolution to be adopted by the Assembly of States Parties: Proposal by the Coordinator (Scenario B — The Hague) |
| PCNICC/2002/WGFYB/RT.10 | Draft decision of the Assembly of States Parties relating to the provision of funds for the Court — Proposal by the Coordinator |
| PCNICC/2002/WGFYB/RT.11 | Draft decision of the Assembly of States Parties relating to the scale of assessments — Proposal by the Coordinator |
| PCNICC/2002/WGFYB/RT.12 | Proposed texts of provisions on plenary sessions of the Court subsequent to its Inaugural Meeting — Proposal by the Coordinator |
| PCNICC/2002/WGFYB/RT.13 | Proposed texts of provisions on the conditions of service of judges of the International Criminal Court — Proposal by the Coordinator |
| PCNICC/2002/WGFYB/RT.14 | Texts of provisions on the issues related to a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, established pursuant to article 79 of the Rome Statute — Proposal by the Coordinator |
| PCNICC/2002/WGFYB/RT.15 | Interim arrangements for the exercise of authority pending the assumption of office by the Registrar — Draft decision to be adopted by the Assembly of States Parties |
| PCNICC/2002/WGFYB/FT.16 | Selection of the staff of the International Criminal Court — Draft resolution to be adopted by the Assembly of States Parties |

## Working Group on Financial Issues — Remuneration of Judges

*Ninth session of the Preparatory Commission (8-19 April 2002)*[b]

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFI-RJ/L.1 | Report of the Working Group — Conditions of service of the judges of the International Criminal Court |
| PCNICC/2002/WGFI-RJ/L.1/Rev.1 | Revision |
| PCNICC/2002/WGFI-RJ/RT.1 | Conditions of service of the judges of the International Criminal Court |

[b] No documents were issued under this heading during the first to eighth sessions of the Preparatory Commission.

*Tenth session of the Preparatory Commission (1-12 July 2002)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFI-RJ/DP.1 | Proposal for an amendment submitted by the United Kingdom of Great Britain and Northern Ireland concerning non-full-time judges — Salaries, allowances and benefits |
| PCNICC/2002/WGFI-RJ/RT.2 | Conditions of service of non-full-time judges of the International Criminal Court — Discussion paper by the Coordinator |
| PCNICC/2002/WGFI-RJ/RT.2/Rev.1 | Conditions of service of non-full-time judges of the International Criminal Court — Discussion paper by the Coordinator |
| PCNICC/2002/WGFI-RJ/RT.2/Rev.2 | Conditions of service of non-full-time judges of the International Criminal Court — Discussion paper by the Coordinator |

## Working Group on Financial Issues — Victims Trust Fund

*Ninth session of the Preparatory Commission (8-19 April 2002)*[b]

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFI-VTF/DP.1 | Proposal submitted by France concerning a trust fund for the benefit of victims |

*Tenth session of the Preparatory Commission (1-12 July 2002)*

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFI-VTF/L.1 | Draft resolution of the Assembly of States Parties on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims |
| PCNICC/2002/WGFI-VTF/L.2 | Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims |
| PCNICC/2002/WGFI-VTF/RT.1 | Draft resolution of the Assembly of States Parties on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims — Discussion paper proposed by the Coordinator |

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGFI-VTF/RT.1/Add.1 | Draft resolution of the Assembly of States Parties on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims — Discussion paper proposed by the Coordinator |
| PCNICC/2002/WGFI-VTF/RT.2 | Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims — Discussion paper proposed by the Coordinator |

## Working Group on the Assembly of States Parties — Preparatory Documents

*Ninth session of the Preparatory Commission (8-19 April 2002)*[b]

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGASP-PD/L.1 | Election of judges, the Prosecutor and the Registrar of the International Criminal Court: Working paper by the Secretariat |
| PCNICC/2002/WGASP-PD/L.2 | Provisional agenda for the first meeting of the Assembly of States Parties: Working paper by the Secretariat |
| PCNICC/2002/WGASP-PD/L.3 | Secretariat of the Assembly of States Parties of the International Criminal Court: Information paper by the Secretariat |
| PCNICC/2002/WGASP-PD/L.4 | Draft resolution of the Assembly of States Parties concerning the provisional arrangements for the Secretariat of the Assembly of States Parties |
| PCNICC/2002/WGASP-PD/DP.1 | Election of judges, the Prosecutor and the Registrar of the International Criminal Court: Proposal submitted by Switzerland |
| PCNICC/2002/WGASP-PD/DP.2 | Proposal submitted by Belgium |
| PCNICC/2002/WGASP-PD/DP.3 | Nomination of the Prosecutor: Proposal submitted by Greece and Switzerland |
| PCNICC/2002/WGASP-PD/RT.1 | Provisional arrangements for the Secretariat of the Assembly of States Parties: Discussion paper proposed by the Coordinator |

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| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGASP-PD/L.5 | Election procedures of the Committee on Budget and Finance of the International Criminal Court: comparative chart with the procedures of the Advisory Committee on Administrative and Budgetary Questions of the United Nations and the Finance Committee of the International Seabed Authority — Working paper by the Secretariat |
| PCNICC/2002/WGASP-PD/L.6 | Draft report of the Working Group — Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court |
| PCNICC/2002/WGASP-PD/L.6/Corr.1 | Corrigendum |
| PCNICC/2002/WGASP-PD/L.7 | Draft report of the Working Group — Draft resolution regarding the permanent secretariat of the Assembly of States Parties |
| PCNICC/2002/WGASP-PD/L.8 | Draft report of the Working Group — Draft recommendation of the Assembly of States Parties concerning seating arrangements for States Parties |
| PCNICC/2002/WGASP-PD/L.9 | Draft report of the Working Group — Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of members of the Committee on Budget and Finance |
| PCNICC/2002/WGASP-PD/L.10 | Draft report of the Working Group — Provisional agenda for the first meeting of the Assembly of States Parties, to be held at United Nations Headquarters from 3 to 10 September 2002 |
| PCNICC/2002/WGASP-PD/DP.4 | Procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court — Proposal by Austria, Hungary and Liechtenstein on an alternative procedure for the first election of the judges to the International Criminal Court to the proposal contained in PCNICC/2002/WGASP-PD/RT.2, annex |
| PCNICC/2002/WGASP-PD/DP.5 | Procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court<br><br>Proposal by Austria, Bosnia and Herzegovina, Croatia, Hungary, Liechtenstein, Romania, Sweden and Switzerland concerning article 36 (8) (a) of the Rome Statute |
| PCNICC/2002/WGASP-PD/DP.6 | Proposal submitted by Spain — Permanent Secretariat of the Assembly of States Parties |
| PCNICC/2002/WGASP-PD/DP.6/Corr.1 | Corrigendum |

| *Symbol* | *Description* |
|---|---|
| PCNICC/2002/WGASP-PD/DP.7 | Secretariat of the Assembly of States Parties: organization of a permanent secretariat — Proposal submitted by Belgium |
| PCNICC/2002/WGASP-PD/DP.8 | Election of judges — Proposal submitted as a basis for discussion by the Assembly of States Parties by Austria, Belgium, Benin, Burundi, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Italy, Kenya, Liechtenstein, Malawi, Mali, Mongolia, Mozambique, New Zealand, Norway, Paraguay, Portugal, Romania, Samoa, Senegal, Sierra Leone, South Africa, Sweden, Switzerland, the United Republic of Tanzania and Zambia |
| PCNICC/2002/WGASP-PD/DP.8/Corr.1 | Corrigendum |
| PCNICC/2002/WGASP-PD/DP.9 | Election of judges — Proposal submitted as a basis for discussion by the Assembly of States Parties by Cambodia, China, Fiji, India, Indonesia, Iraq, Jordan, Malaysia, the Philippines, the Republic of Korea, Singapore, Solomon Islands, the Syrian Arab Republic, Thailand and Viet Nam |
| PCNICC/2002/WGASP-PD/RT.2 | Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court – Rolling text prepared by the Coordinator |

# Appendix

## Report on the intersessional meeting of experts held at The Hague from 11 to 15 March 2002*

[*See PCNICC/2002/INF/2*]

* See also paragraph 7 of the main document.